

AL-10-002-0785



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JAN 10 2011

The Honorable Barbara A. Mikulski  
United States Senator  
1629 Thames Street, Suite 400  
Baltimore, Maryland 21231

Dear Senator Mikulski:

Thank you for your letter of December 7, 2010 to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, Mr. [redacted] regarding his concerns about the subdivision of his property located at [redacted].

Mr. [redacted] is requesting approval to subdivide his property into three (3) separate lots which will include the original 1975 dwelling (#919, Lot 2), a 2005 dwelling (#925, Lot 3), and a third lot which is currently undeveloped (proposed Lot 1). The proposed Lot 1 will require 3,850 square feet of forest to be cleared for a future dwelling.

According to his letter Mr. [redacted] was advised by Maryland representatives that the activities proposed at Lot 1 fell indirectly under EPA regulatory authority. EPA has joint authority with the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (CWA), to regulate the discharge of dredged and/or fill material into waters of the United States including wetlands. Section 404 requires the issuance of a permit by the Corps before dredged or fill material may be discharged into jurisdictional waters of the United States.

Information provided to the EPA suggests that Mr. [redacted] Lot 1 is not a waterfront property and does not contain jurisdictional wetlands. However, EPA suggests that Mr. [redacted] contact the Corps, Baltimore District Northern Section Chief, Mr. Joseph DaVia at City Crescent Building, 10 South Howard Street, Baltimore, Maryland 21201 or at (410) 962-5691 to verify that wetlands are not present within the subject property. We also encourage Mr. [redacted] to be certain of his compliance with state and local rules as they may differ from federal requirements.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Linda Miller, EPA's Maryland Liaison, at 215-814-2068.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn M. Garvin", is written over a horizontal line. Below the signature, the name "Shawn M. Garvin" and title "Regional Administrator" are printed.

Shawn M. Garvin  
Regional Administrator

cc: Mr. Joseph DaVia, Baltimore Corps

